

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Marion Lamont Brown, Jr.,	)	C/A No.: 1:20-226-JFA-SVH
#00318025,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Cpl. T. Chandler, Ofc. Hester, and	)	
Deputy Warden John Palmer,	)	
	)	
Defendants.	)	
	)	

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This is a civil action filed by a state prisoner. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

PAYMENT OF THE FILING FEE:

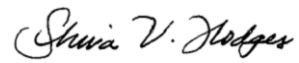
Plaintiff applied to proceed in the District Court without prepaying fees or costs. [ECF No. 10]. Pursuant to 28 U.S.C. § 1915, the court construes this application as a motion for leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915. A review of the motion reveals that Plaintiff should be relieved of the obligation to prepay the full filing fee. Therefore, Plaintiff's motion for leave to proceed *in forma pauperis* is granted, subject to the court's right to require a payment if Plaintiff's financial condition changes, and to tax fees and costs against Plaintiff at the conclusion of this case if the court finds the case to be without merit. See *Flint v. Haynes*, 651 F.2d 970, 972-74 (4th Cir. 1981).

TO THE CLERK OF COURT:

The Clerk of Court is directed *not* to issue the summons at this time.

IT IS SO ORDERED.

February 12, 2020  
Columbia, South Carolina

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

Shiva V. Hodges  
United States Magistrate Judge